IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 6TH NOVEMBER 2006 / 15TH KARTHIKA 1928

Bail Appl..No. 6020 of 2006

CRIME NO.388/2006 OF PERINTHALMANNA POLICE STATION

PETITIONER

UNNI ALIAS PARIYARATH SIVASANKARAN,
S/O.GOVINDAN NAIR, P.O.ERAVIMANGALAM,
COLLECION AGENT, GOLDEN CHITS & FINANCE CO.,
CITY CENTRE, PATTAMBI ROAD, PERINTHALMANNA.

BY ADV. SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH

RESPONDENTS: COMPLAINANT

STATE OF KERALA REP.BY THE S.I. OF
POLICE, PERINTHALMANNA REPRESENTED THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6020/2006

DATED THIS THE 6TH DAY OF NOVEMBER, 2006

O R D E R

The second accused in crime No.388/2006 of Perinthalmanna Police Station, is the petitioner herein. He is before this Court, for an order under Section 438 Cr.P.C., as he apprehends arrest for the offence punishable under Sections 406, 409 and 420 IPC read with Section 34 IPC.

2. It is submitted by the prosecution that the petitioner was the collection agent with the first accused as the manager of a chit company, 'Golden Chits & Finance Co'. Different persons had subscribed the chit, conducted by the chit fund. But ultimately it was closed, without repaying the amount to the subscribers. Therefore, one of the subscribers had made a complaint, basing on which the crime had been registered.

3. I heard the arguments advanced by both sides.

The learned counsel for the petitioners submits that demand draft had been drawn for an amount of Rs.3,300/-, and had been sent in favour of the defacto complainant, through registered post.

4. However, the prosecution submits that the amount due to the defacto complainant is more than what had already been tendered, as per the demand draft dated 18.10.2006, and therefore, further interrogation of the petitioner is necessary.

5. After hearing both sides, I direct the petitioner, the second accused, to surrender before the Investigating Officer, who is investigating crime No.388/2006 of Perinthalmanna Police Station, on 10.11.2006 between 9.30 a.m and 10.00 a.m.

6. The Investigating Officer shall interrogate the petitioner and thereafter, produce him before the court below.

7. The learned Magistrate shall allow the petitioner to be on bail, imposing such conditions, as are

deemed necessary, considering the prayer of the prosecution, if any, for further interrogation of the petitioner.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs